

AMENDED IN SENATE APRIL 28, 1999

AMENDED IN SENATE APRIL 6, 1999

AMENDED IN SENATE MARCH 22, 1999

SENATE BILL

No. 356

Introduced by Senator Hughes

February 10, 1999

An act to add Section 48980.5 to the Education Code, to add Section 12950.5 to the Government Code, and to add Section 1183.1 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 356, as amended, Hughes. Employment: leave for parents or guardians.

Existing law prohibits any employer who employs 25 or more employees working at the same location from discharging or discriminating against an employee who is a parent or guardian, or grandparent having custody, of one or more children in kindergarten or grades 1 to 12, inclusive, or attending a licensed child day care facility for taking off up to 40 hours each year, not exceeding 8 hours in any calendar month of the year, to participate in activities of the school or licensed child day care facility of any of his or her children, as specified. Existing law requires the Department of Fair Employment and Housing to include information relating to the illegality of sexual harassment, among other things, in its poster on discrimination in employment.

Existing law requires school districts to provide specified information to parents and guardians of pupils at the beginning of each quarter or semester.

This bill would require school districts to provide information pertaining to taking off the time permitted under existing law to participate in activities of the school or licensed day care facility of any of his or her children along with specified notices provided to parents and guardians at the beginning of each quarter or semester.

This bill would also require the Department of Fair Employment and Housing to amend its current poster on discrimination in employment, as specified, and the Industrial Welfare Commission to amend its current ~~poster~~ *order* on wages, hours, and working conditions, as specified, to include information relating to the provisions of existing law prohibiting employers from discharging or discriminating against an employee who is a parent or guardian or grandparent having custody of one or more children, as specified, for taking off the time permitted under existing law to participate in activities of the school or licensed child day care facility of any of his or her children.

This bill, by placing new duties on school districts relating to the provision of notice to parents and guardians of pupils, would thereby impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature that the
2 State Department of Education notify employers that
3 their employees who are parents, guardians, or
4 grandparents of children in grades K-12 or licensed child
5 care facilities may, under certain circumstances take up
6 to 40 hours each school year to participate in school
7 activities.

8 SEC. 2. Section 48980.5 is added to the Education
9 Code, to read:

10 48980.5. In addition to information provided in the
11 notices required by Section 48980, the notifications shall
12 advise the parent or guardian of the requirements of
13 Section 230.8 of the Labor Code, pertaining to a parent,
14 guardian, or grandparent having custody of one or more
15 children in kindergarten or grades 1 to 12, inclusive, or
16 attending a licensed child day care facility, taking up to
17 40 hours each year, not exceeding eight hours in any
18 calendar month of the year, to participate in activities of
19 the school or licensed child day care facility of any of his
20 or her children.

21 SEC. 3. Section 12950.5 is added to the Government
22 Code, to read:

23 12950.5. (a) The department shall amend its current
24 poster on discrimination in employment to include
25 information relating to the requirements of Section 230.8
26 of the Labor Code, pertaining to a parent, guardian, or
27 grandparent having custody of one or more children in
28 kindergarten or grades 1 to 12, inclusive, or attending a
29 licensed child day care facility, taking up to 40 hours each
30 year, not exceeding eight hours in any calendar month of
31 the year, to participate in activities of the school or
32 licensed child day care facility of any of his or her
33 children. *The department shall amend the poster during*
34 *the next cycle of revision of the poster that occurs on or*
35 *after January 1, 2000, or at the time a new supply of*
36 *posters is generated on or after January 1, 2000,*
37 *whichever occurs first.*

~~(b) (1) The amended poster shall contain the following notice:~~

~~—~~

~~“Employees may take time from work to participate in their children’s school activities.”~~

~~“Existing law prohibits employers employing 25 or more employees from discharging or discriminating against any employee who is the parent, grandparent, or guardian having custody of a child in grades K-12 or in a licensed child day care facility for taking off no more than 40 hours per year, and no more than 8 hours in any calendar month, to participate in the activities of the school or licensed day care facility of any of the employee’s children.”~~

~~“The Department of Fair Employment and Housing does not address these complaints.”~~

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~~(2) The amended poster shall also include a notice that, for questions or additional information, interested persons may contact the Parent Center of the State Department of Education at the appropriate telephone number.~~

~~(e)–~~

~~(b) This amended poster shall be distributed to employers when the supply of the current poster is exhausted or the poster is revised. One copy of the amended poster shall be provided by the department to an employer upon request. The amended poster shall be available at each office of the department, and shall be mailed if the request includes a self-addressed envelope with postage affixed. Multiple copies of the amended poster shall be obtained through the Office of Documents and Publications of the Department of General Services. Each employer shall post the amended poster in a prominent and accessible location in the workplace.~~

~~SEC. 4. Section 1183.1 is added to the Labor Code, to read:~~

~~1183.1. The Industrial Welfare Commission shall amend the notice required by this chapter order required by Section 1183 to include information relating to the~~

1 provisions of Section 230.8 authorizing a parent, guardian,
2 or grandparent having custody of a child in kindergarten
3 or grades 1 through 12, inclusive, or in a licensed child day
4 care facility to take up to 40 hours each year, not to exceed
5 8 hours in any calendar month, to participate in the
6 activities of the school or day care facility. *The*
7 *commission shall amend the order in that manner in*
8 *conjunction with the next revision of that order that*
9 *occurs on or after January 1, 2000.* The amended ~~poster~~
10 order shall be immediately distributed to employers. The
11 amended poster shall also be available at each office of the
12 Division of Labor Standards Enforcement Agency and
13 mailed upon request. Multiple copies of the amended
14 ~~poster~~ order may be obtained through the Department
15 of Industrial Relations Public Information Office.

16 SEC. 5. Notwithstanding Section 17610 of the
17 Government Code, if the Commission on State Mandates
18 determines that this act contains costs mandated by the
19 state, reimbursement to local agencies and school
20 districts for those costs shall be made pursuant to Part 7
21 (commencing with Section 17500) of Division 4 of Title
22 2 of the Government Code. If the statewide cost of the
23 claim for reimbursement does not exceed one million
24 dollars (\$1,000,000), reimbursement shall be made from
25 the State Mandates Claims Fund.

